

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-CV-61609-ROSENBERG

ALICIA MORGAN,

Plaintiff,

v.

THE STANDARD FIRE
INSURANCE COMPANY,

Defendant.

ORDER DENYING DEFENDANT’S MOTION TO REQUIRE PARTY

THIS CAUSE is before the Court on Defendant Standard Fire Insurance Company’s Motion to Require Plaintiff to Join the United States Postal Service as a Required Party at docket entry 66. The Court has reviewed the Motion [DE 66], Plaintiff Alicia Morgan’s Response [DE 81], and Defendant’s Reply [DE 87] and is otherwise fully advised in the premises. For the reasons set forth below, the Motion is **DENIED**.

I. BACKGROUND

While Plaintiff was walking toward the entrance of a Pollo Tropical in North Miami, Florida, she was struck by a United States Postal Service (“USPS”) truck. DE 1-1 ¶¶ 6-7. At the time of the accident, Plaintiff was insured under an automobile policy issued by Defendant, which provided uninsured motorist coverage. *Id.* ¶ 9. Plaintiff brought this suit after Defendant failed to tender proceeds to Plaintiff for the accident, which Plaintiff believes is covered under the uninsured motorist provision. *Id.* ¶ 16-18.

On July 14, 2023, Plaintiff filed a one-count claim for uninsured motorist benefits against Defendant in state court. DE 1-1. Plaintiff amended the Complaint on August 7, 2023, and Defendant removed the case to federal court on August 21. *See* DE 1 at 1. On March 25, 2024, Defendant filed a Motion to Continue this case. DE 38. On April 17, 2024, the Court granted in part and denied in part the motion, choosing to extend certain deadlines for expert witnesses but keep all other deadlines the same. DE 55. A few weeks later, on May 3, 2024, Defendant filed the instant Motion to Require Plaintiff to Join the USPS as a Required Party Pursuant to Rule 19. DE 66. Plaintiff has responded to the Motion [DE 81], and Defendant has replied [DE 87].

II. ANALYSIS

First, Defendant has not persuaded the Court that USPS is a required party. Indeed, “[u]nder Florida law, an insured is not obliged to sue a tortfeasor as a precondition to seeking [uninsured motorist] benefits from her insurer.” *Robinson v. Auto Owners Ins. Co.*, 718 So. 2d 1283, 1285 (Fla. Dist. Ct. App. 1998). Defendant fails to cite to authority in which an insured is required to join an uninsured motorist in a suit against her insurance company for uninsured motorist benefits. Therefore, Defendant’s Motion to join USPS as a required party is denied.


Second, as USPS is not a required party that the Court *must* join, the Court construes Defendant’s Motion as requesting an extension of the deadline for joinder in this case. Pursuant to the Court’s Trial Order, the deadline for joinder of additional parties in this case was November 24, 2023. DE 8 at 4. Here, the Court does not find good cause to extend the deadline, which passed over six months ago. Defendant has been on notice that USPS may have an interest in this case since at least November 3, 2023, when Plaintiff filed her Statement of Material Facts in response to Defendant’s Motion for Summary Judgment and attached both an affidavit and a letter demonstrating correspondence with USPS. *See* DE 19-2. Additionally, on December 1, 2023, Plaintiff produced her

Form 95 submission to USPS in discovery. DE 81 at 3. Counsel for Defendant even acknowledged in a motion filed February 12, 2024 that “Plaintiff has confirmed that she has sought a claim against USPS under the Federal Torts Claim Act.” DE 27 ¶ 15. Therefore, Defendant has not shown good cause for a six-month extension of the deadline for joinder, particularly because the Motion comes after denial of Defendant’s Motion to Continue and because Defendant has been on notice that USPS may be a party of interest since at least November 3, 2023.

III. CONCLUSION

For the foregoing reasons, Defendant’s Motion to Require Plaintiff to Join the United States Postal Service as a Required Party [DE 66] is **DENIED**.

DONE and ORDERED in Chambers, West Palm Beach, Florida, this 31st day of May, 2024.


ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE

Copies furnished to: Counsel of Record